

PATENT

Atty Docket No.: 10002170-2
App. Ser. No.: 09/726,072

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 17, 33, and 48 have been amended. Claims 2 and 23 have been canceled and claim 49 has been added herein. Support for the amendments may be found in canceled claims 2 and 23 as originally filed, page 10, lines 15-25 and page 12, lines 11-23 of the originally filed specification. Therefore, claims 1, 3-22, 24-33, and 49 are pending of which claims 1 and 17 are independent.

Claims 1 and 48 were objected to for allegedly containing minor informalities.

Claims 1-8, 10, 13-14, 17, 21-25, 27-30, 33 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nessett et al (5,968,176) ("Nessett") in view of Segal (6,345,299) ("Segal") and further in view of Williams (6,304,973) ("Williams").

Claims 9, 11-12, 15-16, 18-20, 26, 31-32, and 48 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nessett in view of Segal in view of Williams and further in view of Wesinger, Jr. et al (6,052,788) ("Wesinger").

These rejections are respectfully traversed for the reasons stated below.

Examiner Interview Conducted

The Applicants' representative wishes to thank Examiner Nguyen for the courtesies extended during the interview conducted on January 22, 2007. During the interview, a proposed amendment submitted to Examiner Nguyen was discussed and the Applicants' representative explained the difference between the claims and the cited art of record. Specifically, the Applicants' representative pointed out that the cited art, including Williams, failed to teach or suggest the security policy as described in the proposed amendment to

PATENT

Atty Docket No.: 10002170-2
App. Ser. No.: 09/726,072

independent claims 1 and 17. However, Examiner Nguyen referred to features of Williams not previously relied upon in the Office Actions and suggested that these additional features of Williams teach the elements in the proposed amendment to the claims. No agreement was reached. Therefore, the amendments to independent claims 1 and 17 have been further revised in an effort to advance prosecution.

Objection to the Claims

Claims 1 and 48 were objected to for allegedly containing minor informalities.

Claims 1 and 48 have been amended herein according to the Examiner's suggestion.

Therefore, withdrawal of this objection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

PATENT

Atty Docket No.: 10002170-2

App. Ser. No.: 09/726,072

Claims 1-8, 10, 13-14, 17, 21-25, 27-30, 33 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nessett in view of Segal and further in view of Williams.

This rejection is respectfully traversed because the combination of Nessett in view of Segal and further in view of Williams fails to teach or suggest the features of independent claims 1 and 17 and the claims that depend therefrom.

Nessett, Segal, and Williams, taken singly or in combination fail to teach or suggest, at least, "an inter-bubble device connecting the first and second network bubbles to one another and enforcing the network security policy of the first and second network bubbles." as recited in independent claims 1 and 17. One particular embodiment describing an inter-bubble device, by way of example and not limitation, is provided on page 10, lines 14-26 of the originally filed specification and illustrated in figure 1. This passage explains, and figure 1 depicts, that, according to this embodiment, a secure network may have both a network control point and an inter-bubble device, which both apply and enforce network security policies. The benefits of a secure network having both a network control point and an inter-bubble device include the expedited movement of data for selected purposes by providing a local connection between two or more bubble partitions within different bubbles.

The recitation of an inter-bubble device included in the secure network was previously described in original claims 2 and 23. In the rejection of claims 2 and 23, the Office Action states that Nessett fails to teach or suggest a secure network having a network control point and an inter-bubble device. The Office Action also seems to concede that Segal fails to teach or suggest this feature, and instead relies on Williams, alleging that Williams discloses inter-bubble devices in column 26, lines 27-40. However, this passage of Williams makes no mention of any device that could possibly be considered equivalent to the claimed

PATENT

Atty Docket No.: 10002170-2

App. Scr. No.: 09/726,072

inter-bubble device and the Office Action fails to explain how this passage of Williams is being interpreted to provide a supposed teaching of an inter-bubble device.

The cited passage of Williams is drawn to the explanation of figure 14, which depicts various hosts 86-92, each having a security device 18 for connecting the hosts 86-92 to various VPNs 80-84. The Office Action does not explain, which feature of this passage is being considered equivalent to the claimed features. However, assuming that the rejection is attempting to consider the security devices 18 of Williams as equivalent to an inter-bubble device, the comparison is completely inaccurate. The security devices 18 of Williams are used to alternatively connect the hosts 86-92 to different virtual networks, such as the first and second VPNs 80 and 82. When a user of the host 86, for example, provides a first password, the user is connected to the first VPN 80. Alternatively, when the user provides a second password the user is connected to the second VPN 82. Therefore, the security devices 18 of Williams are merely password authenticators allowing a user to switch between different VPNs.

The security devices 18 of Williams cannot be considered equivalent to the claimed inter-bubble devices, because the security devices 18 do not "connect the first and second network bubbles to one another," as recited in independent claims 1 and 17. Instead, the security devices 18 merely authenticate a user password to allow a user to log into either the first or second VPN 80, 82, as set forth above. Therefore, the security devices 18 of Williams do not teach or suggest inter-bubble devices, because they do not connect network bubbles to one another.

Moreover, independent claims 1 and 17 recite a secure network having a "network control point...and...an inter-bubble device." Even assuming, *arguendo*, that the security

PATENT

Atty Docket No.: 10002170-2

App. Scr. No.: 09/726,072

devices 18 of Williams could be considered equivalent to the claimed inter-bubble devices, the combination of Nessett, Segal, and Williams would still fail to teach or suggest a secure network having both a network control point and an inter-bubble device. In fact, the Office Action seems to ignore the presence of both a network control point and an inter-bubble device, because the rejection refers to the same passage and figure of Williams as allegedly providing a teaching for both of these features. Thus, it appears that the Office Action is improperly attempting to equate one device of Williams to two different features of the claims.

Accordingly, the rejection of independent claims 1 and 17, and the claims that depend therefrom, should be withdrawn because the combination of Nessett in view of Segal and further in view of Williams fails to teach or suggest at least an inter-bubble device and also a secure network having both a network control point and an inter-bubble device, as described in claims 1 and 17.

In addition, the Office Action relies on impermissible hindsight in the combination of Nessett and Segal with Williams. The rejection states that it would have been obvious to "employ the use of inter-bubble devices" (even though Williams fails to teach or suggest inter-bubble devices)... "to reduce network latency." However, not only does Williams fail to mention any possible reduction in network latency, but the security devices 18 of Williams would not, and could not, reduce network latency. In fact, the security devices 18 actually increase network latency by forcing a user to sign in to VPN's before data may be transmitted over the network. Therefore, the security devices 18 of Williams add an additional step, which must be completed before data can be transmitted, thereby increasing network latency.

PATENT

Atty Docket No.: 10002170-2

App. Scr. No.: 09/726,072

Moreover, the security devices 18 of Williams do not connect two network, so they cannot possibly improve latency between two networks.

The MPEP states that "obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) (discussing rationale underlying the motivation-suggestion-teaching requirement as a guard against using hindsight in an obviousness analysis). The teaching, suggestion, or motivation must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See MPEP 2143.01.

Here, as set forth above, the motivation for combining Williams with Nessett in view of Segal has no foundation in the references themselves. In fact, the motivation proffered in the Office Action was apparently taken directly from the Applicants' specification, verbatim. On page 10, lines 23-24, the Applicants' specification states that the inter-bubble devices allow data to be processed with "reduced network latency." Therefore, because Williams makes no mention of reducing network latency, and the proffered motivation is verbatim to the Applicant's specification, the motivation to make the proposed combination must have originated with the Applicants' disclosure. The Applicants respectfully submit that the motivation for combining Williams with Nessett and Segal is a classic example of impermissible hindsight. Therefore, the combination is improper and the rejection cannot be maintained.

Accordingly, applicants respectfully submit that the features of claims 1 and 17 are not rendered obvious by the proposed combination of Nessett in view of Segal and further in

PATENT

Atty Docket No.: 10002170-2

App. Ser. No.: 09/726,072

view of Williams. The Examiner is therefore respectfully requested to withdraw the rejection of claims 1 and 17, and the claims that depend therefrom, and to allow these claims.

Claims 9, 11-12, 15-16, 18-20, 26, 31-32, and 48 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nessett in view of Segal in view of Williams and further in view of Wesinger.

Claims 9, 11-12, 15-16, 18-20, 26, 31-32, and 48 are allowable, at least, by virtue of their respective dependence on allowable claims 1 and 17. Therefore, withdrawal of this rejection and allowance of the claims is respectfully submitted.

New claim 49

The prior art of record fails to teach or suggest a secure network wherein the inter-bubble device applies the network security policy of both the first bubble and the second bubble to move data between the first and second bubbles, as recited in new claim 49. The cited references teach only the application of a single security policy, i.e. the highest level security policy.

PATENT

Atty Docket No.: 10002170-2

App. Scr. No.: 09/726,072

Conclusion


In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: February 7, 2007

By


Ashok K. Manhava
Registration No.: 45,301

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3822
(703) 865-5150 (facsimile)